

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-251-E - ORDER NO. 2009-25
JANUARY 15, 2009

IN RE: Application of Carolina Power and Light) ORDER GRANTING
Company d/b/a Progress Energy Carolinas,) PETITION TO
Incorporated for the Establishment of) INTERVENE OUT OF
Procedures for DSM/EE Programs) TIME AND DENYING
) MOTION TO DENY
) PETITION

This matter comes before the Public Service Commission of South Carolina (“Commission”) on a Petition to Intervene Out of Time filed by Southern Environmental Law Center, the Coastal Conservation League, the Natural Resources Defense Council, and the Southern Alliance for Clean Energy (together, “the Petitioners”), as well as a Motion to Deny that Petition filed by Progress Energy Carolinas, Inc. (“Progress”). We grant the Petition to Intervene Out of Time, and deny Progress’ Motion to Deny the Petition.

On December 29, 2009, the Coalition filed a Petition to Intervene in this matter some four months after the intervention deadline set by this Commission. The Petition described the organizations making up the Petitioners, and their interests in this proceeding, but did not give an explanation for the lateness of the filing. Subsequently, Progress filed a Motion to Deny the Petition, pointing out that no explanation for the lateness of the filing had been given, and disputing the legitimacy of the Petition, alleging that the putative members of the various Petitioner organizations had not been consulted

prior to the filing of the Petition. In a subsequent filing, Progress also cited Order No. 91-273, issued in Docket No. 90-698-C, for the proposition that an intervention that is untimely must be supported by good reason.

In response to the Progress Motion, the Petitioners did explain the reasons for the late filing of their Petition. According to the response, the group was actively involved in certain Duke proceedings in North Carolina which took place in June and August 2008, and had intervened in the North Carolina Progress Energy DSM/EE proceeding. In light of this work, the Petitioners initially made a decision not to intervene in the present Docket. Progress subsequently requested and was granted a postponement of its hearing in this Docket until February 2009. The Petitioners then reexamined whether or not they had the resources to participate in the present Docket, and decided to do so shortly after the rescheduling Order in this Docket was issued. However, according to the Petitioners, activities in North Carolina monopolized the Petitioners' time from mid-November through the Christmas holiday. The Petitioners stated that they filed their Petition to Intervene at their first opportunity to do so. The Petitioners state that they understand that it is within the discretion of this Commission as to whether to grant a Petition to Intervene Out of Time, based on equitable factors.

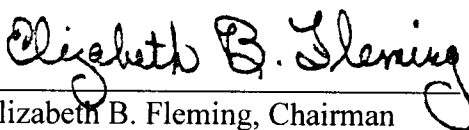
In addition, the Petitioners allege that their organizations have members that are Progress ratepayers. The document goes on to explain that the mission statements of the organizations promote energy efficiency, thus giving them standing to intervene in this case. Further, the Petitioners state that their organizations have petitioned to intervene in this Docket "to help inform the Commission in its decision on whether, and in what form,

to approve the demand-side management (DSM) and energy efficiency (EE) programs that Progress seeks to establish in its Carolinas service territory.” The Petitioners believe that their knowledge will only benefit the debate.

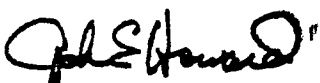
We agree that the viewpoints of the Petitioners can add value to the debate before us. Therefore, we grant the Petition to Intervene now that the Petitioners have articulated a valid reason for the late filing of their Petition. However, to avoid prejudice to the other parties in the proceeding, we are granting the Petition to Intervene conditioned on keeping this Commission’s current procedural schedule in force, including the January 22, 2009 deadline for the direct pre-filed testimony of Intervenors. In light of this condition, we deny the Progress Motion to Deny the Petition to Intervene Out of Time.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:



John E. Howard, Vice Chairman
(SEAL)